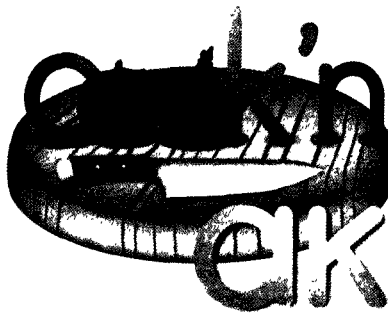


16B-CC-1239



Received & Inspected

SEP 20 2012

FCC Mail Room

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743

To: Federal Communications Commission
From: red bradley, producer, *cook'n ak*
Date: September 18, 2012
Re: Petition for Exemption from Closed Captioning

I am the producer of an independent, local 30-minute television program, *cook'n ak*, produced in Anchorage, Alaska which airs weekly on our local CBS affiliate - KTVA. The program is broadcast on Saturdays at 3:30 PM.

Providing captioning for this program would result in significant expense and time restraints. Thus, for the reasons set forth in my affidavit, *cook'n ak* hereby requests an "Economically Burdensome Exemption" from the Closed Captioning rules pursuant to § 79.1(f) of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'red bradley', is written over the word 'Sincerely,'.

red bradley, producer
cook'n ak
po box 240244
anchorage, alaska 99524

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
Application by red keith bradley)
For Request for Exemption) CC Docket No. _____
from Closed Captioning Requirements §79.1(f))
On behalf of *cook'n ak*)

AFFIDAVIT OF RED KEITH BRADLEY

STATE OF ALASKA)
MUNICIPALITY OF ANCHORAGE)

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I, red keith bradley, of lawful age, being duly sworn, depose and state:

PREFACE

I am the producer of an independent, local 30-minute television program, *cook'n ak*, produced in Anchorage, Alaska which airs weekly on our local CBS affiliate - KTVA. The program is broadcast on Saturdays at 3:30 PM. It is produced for a local cooking and appliance center the purchases the time as a block and inserts its own commercials. There is no revenue generated by the program.

Providing captioning for this program would result in significant expense and time restraints. Thus, for the reasons set forth below, *cook'n ak* hereby requests an "Economically Burdensome Exemption" from the Closed Captioning rules pursuant to §79.1(f) of the Commission's rules.

COST, METHODS, AND AVAILABILITY OF PROVIDING CLOSED CAPTIONS

cook'n ak does not generate sufficient income to acquire closed caption equipment. Furthermore, there are no facilities in Alaska offering Closed Captioning encoding. The local station, KTVA, does not have the technology for Closed Captioning (Exhibit A).

In keeping with FCC regulations we contacted Closed Captioning providers outside Alaska with only one providing a bid for their service (Exhibit B).

While current technology software exists to capture the programs audio it is far less accurate and difficult to "train" for voice recognition on a continuing basis. Additionally, increased post production becomes problematic in the increased turnaround time and number of hours required to perform this task.

Several non-profit organizations specializing with ADA were contacted in an effort to secure funding to provide or offset the cost of Closed Captioning. These organizations include the Northwest ADA Center at the University of Washington (Exhibit C and D), Municipality of Anchorage Department of Health and Human Services (Exhibit E), Access Alaska (NR), State of Alaska Department of Education (NR)

OPERATIONAL IMPACT

cook'n ak has been in production since February 2012 with an annual projected income of \$23,700 or an estimated cost per show of \$500 before expenses.

Closed Captioning will increase the *cook'n ak* cost per week by \$265 for captioning with an additional \$84 weekly for FedEx shipping back and forth the a Burbank facility (Exhibit F). This expense will increase the production costs of *cook'n ak* 62% by adding an additional production cost of \$14,731 on an annual basis.

A 62% increase will place a hardship on *cook'n ak* as the cost cannot be absorb commercially or underwritten through grants or by providing commercial space to other business. Unfortunately the increased expenditures would compromise the ability to continue production of *cook'n ak*.

FINANCIAL PRO FORMA

cook'n ak started production in February of 2012, less than 10 months ago. The classification of the show is educational or informational. The goal of its production is not driven by commercial or financial gain, but rather as a venue for providing cooking enthusiasts with an informative program. The pro forma statement (Exhibit G) denotes a 2012 income of \$23,700 and a net loss of \$1,500 after labor, equipment acquisition and rentals, and maintenance of a weekly updated companion website featuring preparation and recipes from the show. However, the current projected 2012 loss does not include any costs associated Closed Captioning. The current deficit is absorbed by the producer through reduction in hourly fees.

Requiring *cook'n ak* to adhere to the Closed Captioning rules would increase the 2013 cost of production by \$14,731 (62%) thereby decreasing the net annual loss in 2013 to \$17,131 (Exhibit H). The loss nearly exceeds the total production budget for the program and therefore creates an economically burdensome undertaking framing an appeal within the intent of §79.1(f) of the Commission's rules.

PROGRAM PROVIDER AND EDUCATIONAL GOALS

cook'n ak is used as an educational experience for students taking production courses at the University of Alaska Anchorage. Two students from the class work on the monthly production thereby enhancing their marketable skills. Students are paid for their time, a cost reflected in the attached pro forma exhibits.

The producer is an Assistant Professor of Electronic Media in the Department of Journalism and Public Communications at the University of Alaska Anchorage and a forty year industry veteran. His teaching requirements include television production courses offered on a semester basis.

Academic data suggests that hands-on experience similar to *cook'n ak* is valuable for a students education. Students not only use their experience in job applications, but as portfolio pieces for future applications.

REASONABLE SUBSTITUTE

cook'n ak maintains a companion website (Exhibit I) featuring the weekly recipe and preparation. The website is advertised during the show allowing viewers to prepare recipes and gather ingredients as outline during the program.

Easy to follow instructions for current and past program recipes are maintained and updated as required. Tools, special hints and tips, and other resources are always available on the website.

Furthermore, the television station has created a link on their website featuring the weekly recipe from the program (Exhibit J).

Both websites may might constitute a reasonable substitute under §79.4(d)(3) of the Commission's Rules, however, a visual narrative of the audio portion of the program is not included on the website. It is reason to presume that the predominate feature of the program is in the recipe and preparation of the meal.

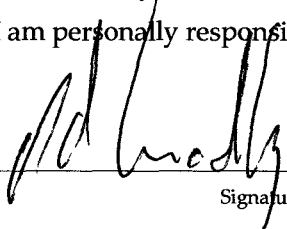
CONCLUSION

In consideration of the aforementioned notations, *cook'n ak* seeks an exemption for the requirements for Closed Captioning of *cook'n ak* pursuant to §79.1 (f) of the Commission's Rules.

This concludes my affidavit.

I, THE UNDERSIGNED, BEING DULY SWORN, STATE AS FOLLOWS:

1. I am the Producer and owner of the television program *cook'n ak*;
2. I am personally and financially responsible for the production and post-production of *cook'n ak* within budgetary confines of approximately \$500 per episode;
3. I attest that all statements and exhibits submitted in support of this waiver application under the "Economically Burdensome Exemption" from the Closed Captioning rules pursuant to §79.1(f) of the Commission's rules are, to the best of my knowledge, true and accurate;
4. I attest that without the waiver pursuant to §79.1(f) that *cook'n ak* will no longer be commercially sustainable; and
5. I am personally responsible for all narrative and financial information herein.



Signature

red keith bradley

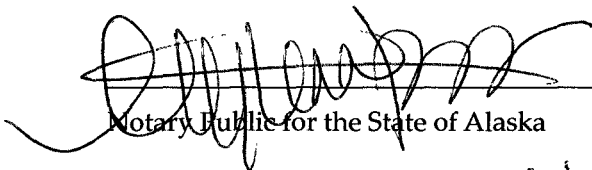
(907) 830-5862

Telephone Number

NOTARY STATEMENT

State of Alaska)
3rd Judicial District) ss:
Municipality of Anchorage)

I, a duly appointed Notary in and for the State of Alaska, attest that the above individual personally appeared before me on this the 18 day of September, 2012 and he did sign the above document of his own free will.



Notary Public for the State of Alaska

My commission expires: 12/8/14

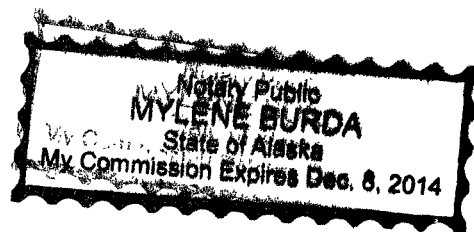


EXHIBIT A } KTVA LETTER

Alaska Broadcasting Company, Inc.
Anchorage, AK



To: Red Bradley

From: Jerry Bever

Date: 7/19/2012

A handwritten signature in dark ink, appearing to be "JB" or "Jerry Bever", written over the "From:" line.

Re: KTVA Captioning Capability for *cookin' ak*

This serves to document our conversation regarding your show, *cookin' ak*, and KTVA's ability to provide captioning services.

KTVA currently only has the capability to produce in-house captioning through its electronic newsroom computer system. This of course limits our captioning ability to programs that utilize our electronic newsroom computer system via scripting or other internal production methods.

Any other captioning needs we have at KTVA are addressed on an as needed basis and would require the use of an outside resource.

Thanks and please let me know if you have further questions.

EXHIBIT B } VIDEO CAPTION CORPORATION

Constance Carlson <ccarlson@vicaps.com>
To: 'red' <red_bradley@me.com>
RE: Your Captioning Project

July 13, 2012 10:07 AM

1 Attachment, 9 KB

Hi Red,

Sounds good! Here's your quote:

Good speaking with you! Video Caption Corporation would be delighted to assist you with the Closed Captioning of your ongoing 30-minute English language cooking shows. As I understand it, you would provide your show masters to us as digital files (.mov – please confirm your codec). Our deliverable to you would be a Caption-embedded Video File (Basic Roll-up Captions) in the same size and format as supplied.

Pricing: \$235 per show

Price includes transcription, captioning, caption-embedding, and file output. Our standard turnaround for your project is 3 business days. Faster turnarounds are available for additional charge.

How does that sound? I'll follow up with you early next week to discuss our quote and answer any questions you may have!

Best regards,

Constance

Constance Carlson
Vice President, Sales & Marketing



NEW YORK | BURBANK

800-705-1204 (phone)
800-705-1207 (fax)

ccarlson@vicaps.com
www.vicaps.com

EXHIBIT C } NORTHWEST ADA CENTER

B. Fleming <bfilemin@u.washington.edu>
To: "red_bradley@me.com" <red_bradley@me.com>
Grants for Closed Captioning

September 18, 2012 8:06 AM

1 Attachment, 862 bytes

Hi Red,

I'm sorry but I don't know of any grants that would cover the cost of closed captioning. As you know, some shows are able to get corporate sponsorship for this. One thing you should know is that if your business qualifies some of the costs for captioning may be a tax credit. You can get more information on that at - <http://www.ada.gov/taxincen.htm>

I hope this information helps. Thanks for contacting the Northwest ADA Center.

Barney

We would appreciate your feedback on our service. Please click the link below. Thanks.
<http://www.surveygizmo.com/s/445561/nwadac>

Barney Fleming, PhD
Training and Information Specialist
Northwest ADA Center
University of Washington
6912 220th Street SW – Suite 105
Mountlake Terrace, WA 98043
Office (425) 771-7426
Toll Free (800) 949-4232
Fax (425) 774-9303
TTD (425) 771-7426
bfilemin@u.washington.edu
www.nwadacenter.org

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EXHIBIT D } NORTHWEST ADA CENTER

Don J. Brandon <dondiego@u.washington.edu>
To: red bradley
RE: DBTAC Contact Form

September 16, 2012 2:13 PM

Glad you are considering captioning, but we do not sponsor any tv captioning.

Don Brandon

Director, Northwest ADA Center
6912 220 St. SW Mountlake Terrace, Wa 98043
800-949-4232 / 425-771-7423-Office / 425-774-9303-fax
www.dbtacnorthwest.org

From: DBTAC Contact Form [kuehnc@u.washington.edu]
Sent: Sunday, September 16, 2012 2:53 PM
To: Don J. Brandon
Subject: DBTAC Contact Form

Name: red k bradley
Phone: 9078305862
Email: red_bradley@me.com
Address: po box 240244
anchorage, alaska 99524
Message: Good morning,

I produce a local show, cook'n ak, that airs on KTVA every Saturday at 3.00pm

I was wondering if the department had any grant programs that would cover the cost of closed captioning? The cost for us doing so is prohibitive, but we would be willing to do so if there was an offset to the cost.

I would appreciate your quick response,

red bradley, producer
cook'n ak

EXHIBIT E } MUNICIPALITY OF ANCHORAGE

From: "Takakuwa, Ken" <TakakuwaK@ci.anchorage.ak.us>
Subject: RE: ADA Grant
Date: September 17, 2012 10:55:21 AM AKDT
To: 'gci' <red.bradley@gci.net>
Cc: 'David Barton' <dbarton@accessalaska.org>

Thank you for your email and your desire to make your programming accessible.

Unfortunately, the Department of Health and Human Services does not have any grants that could help with closed captioning.

However, I have cc'ed the Chair of the Americans with Disabilities Act Commission, David Barton. He may know of resources that you and KTVA might be able to tap for that purpose.

Take care.

Ken Takakuwa
Manager, Human Services
Municipal Department of Health and Human Services

EXHIBIT F } FEDEX ONLINE ESTIMATE

[Ship](#)[Track](#)[Manage](#)[Learn](#)[FedEx Office®](#)[Support](#)[Locations](#)[English](#)[Search fedex.com](#)

Get Rates & Transit Times

[Help](#)

Use this simple tool to obtain a rate quote and determine the expected delivery date and time for your shipment

* Denotes required field

[Clear all fields](#)

1. Ship From / To

[Help](#) [Edit](#)

From: Anchorage, 99517, United States | To: Burbank, 91502, United States on September 17, 2012.

2. Package and Shipment Details

[Help](#) [Edit](#)

Package Details: 1 package, 1.00 lbs, FedEx Pak, 0.00 USD.

3. Rates and Transit Times

[Help](#)

Amounts are shown in USD

Select	Delivery Date/Time	Service	Rates
	Same day in shortest time possible. Call 1-800-Go-FedEx for availability and rate.	FedEx Same Day®	
<input type="checkbox"/>	Tue Sep 18, 2012 8:00 AM	FedEx First Overnight®	<u>83.51</u>
<input type="checkbox"/>	Tue Sep 18, 2012 10:30 AM	FedEx Priority Overnight®	<u>48.95</u>
<input type="checkbox"/>	Tue Sep 18, 2012 3:00 PM	FedEx Standard Overnight®	<u>41.92</u>
<input type="checkbox"/>	Wed Sep 19, 2012 10:30 AM	FedEx 2Day® A.M.	<u>30.27</u>
<input type="checkbox"/>	Wed Sep 19, 2012 4:30 PM	FedEx 2Day®	<u>26.87</u>

FedEx measurement tools

[Currency Converter](#)

[Rate another package](#) [View/print rate details](#) [Schedule a pickup](#) [Ship](#)

Profit & Loss Projections/Current

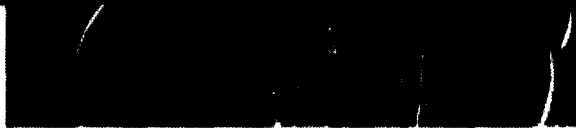
	January	February	March	April	May	June	July	August	September	October	November	December	2012 TOTAL
Total Sales	2000	1700	2000	2000	2000	1500	2000	2000	2000	2000	2000	2500	\$23,700
Less: Cost of Sales	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Gross Profit	2000	1700	2000	2000	2000	1500	2000	2000	2000	2000	2000	2500	\$23,700
Payroll Expenses													
2 camera shoot/3 crew	900	900	900	900	900	900	900	900	900	900	900	900	\$10,800
post production/editor	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	\$12,000
preproduction meetings	125	125	125	125	125	125	125	125	125	125	125	125	\$125
Total Payroll Costs	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	\$24,300
Operating Costs													
website maintance/weekly updates	75	75	75	75	75	75	75	75	75	75	75	75	\$900
Total Operating Costs	75	75	75	75	75	75	75	75	75	75	75	75	\$900
Other Income (expense)													
interest income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
investment income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
other income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
(interest expense)	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Total Other Income (expense)	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Net Income (loss)	(100)	(400)	(100)	(100)	(100)	(600)	(100)	(100)	(100)	(100)	(100)	400	(\$1,500)

EXHIBIT H } PRO FORMA 2013 W/CAPTIONING

Profit & Loss Projections w/captioning

	January	February	March	April	May	June	July	August	September	October	November	December	2012 TOTAL
Total Sales	2000	1700	2000	2000	2000	1500	2000	2000	2000	2000	2000	2500	\$23,700
Less: Cost of Sales	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Gross Profit	2000	1700	2000	2000	2000	1500	2000	2000	2000	2000	2000	2500	\$23,700
Payroll Expenses													
2 camera shoot/3 crew	900	900	900	900	900	900	900	900	900	900	900	900	\$10,800
post production/editor	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	\$12,000
preproduction meetings	125	125	125	125	125	125	125	125	125	125	125	125	\$125
Total Payroll Costs	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	\$24,300
Operating Costs													
website maintance/weekly updates	75	75	75	75	75	75	75	75	75	75	75	75	\$900
Captioning	940	940	940	940	940	940	940	940	940	940	940	1175	\$11,515
Shipping	336	336	336	336	336	336	336	336	336	336	336	420	\$4,116
Total Operating Costs	1351	1351	1351	1351	1351	1351	1351	1351	1351	1351	1351	1670	\$16,531
Other Income (expense)													
interest income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
investment income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
other income	0	0	0	0	0	0	0	0	0	0	0	0	\$0
(interest expense)	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Total Other Income (expense)	0	0	0	0	0	0	0	0	0	0	0	0	\$0
Net Income (loss)	(1376)	(1676)	(1376)	(1376)	(1376)	(1876)	(1376)	(1376)	(1376)	(1376)	(1376)	(1195)	(\$17,131)

EXHIBIT I } COOK'N AK WEBSITE



Home | Recipes

Pressure Cooker Pork BBQ



Using a pressure cooker helps save time and allows you to get down to trying this recipe out quicker. A little dash here and there with Amanda's spice rub and into the pressure cooker. While your waiting you can prepare the Stone Fruit BBQ Sauce and before you know it . . . yummy!

Pork Ingredients

Spice rub of your choice
6 pounds of pork roast, such as butt or shoulder
Salt and pepper
¼ cup Olive oil

Method

Drizzle olive oil in the bottom of the pressure cooker and heat; cut meat into softball-sized pieces. Rub with dry rub and salt and pepper, massaging deeply into the meat. Sear in the hot oil on all sides, until browned. Remove and rest on a plate while continuing in batches.

Deglaze the pan with 2 cups of water, stock, or other yummy liquid (such as apple cider or beer) and bring to a low-boil. Place the simmer plate in the pressure cooker to keep the meat away from direct heat. Pile the pork in randomly, leaving 2 to 3 inches at the top. Put the lid on and secure, bring up to medium pressure. Turn down heat-source to maintain acquired pressure. Set timer for 20 minutes. At the end of the cooking, turn heat off and remove cooker to let pressure release naturally. When pressure cooker is ready to be opened, release lid and remove pork.

Let the meat cool until you are able to handle it. Cut into smaller pieces and place chunks in Bosch mixer with whips in place. In batches, if needed, mix until shredded and remove from bowl. Sauce and serve.

Spice Rub Ingredients

2 T. smoked paprika
¼ t. cayenne pepper
1 T. kosher salt
1 t. celery seed
1 t. ground mustard
1 T. garlic powder
1 t. dried thyme
1 T. freshly ground black pepper
1 T. ancho chili powder
1 T. dark brown sugar

Used for the show



2nd Floor - Museum Annex


Weekend - Carlin Tower

Corner of Fourth Avenue & Ogden Street
Sisters, ID


1111 Boardwalk Pressure Cooker
or
614 7th Pressure Cooker Set

EXHIBIT J } KTVA WEBSITE

Local Coupons



Alaska



49.0 °F

MOSTLY CLOUDY

Monday, September 17, 2012

NEWS

WEATHER

WHAT'S ON

ON-AIR LINKS

INSIDE KTVA

GO

Cook 'n AK Jelly Doughnuts



Cook 'n AK September 15th, 2012

Jelly Doughnuts
Adapted from The Art of Preserving by Rick Field, Lisa Atwood, and Rebecca Courchesne

If you don't have a stand mixer, you can still make these doughnuts: Mix the dough with a spoon until you are ready to add the ¼ cup flour. Then dust the work surface with the flour, turn the dough out onto it, and knead until smooth and springy, 8-10 minutes.

- 1 cup (8 fl oz./250 ml) milk
- 2 Tbsp. unsalted butter
- 2 Tbsp. sugar plus ½ cup (4 oz./125g) for coating
- 2 ½ tsp. (1 package) active dry yeast
- 2 Tbsp warm water (about 110 F/43 C)
- 2 eggs
- 2 ¾ cups (19 oz./590 g) all-purpose (plain) flour
- 1 cup AK Flour Company barley flour
- About 1/3 cup (3 oz./90 g) jelly
- Canola oil for deep frying


In a small saucepan over medium heat, bring the milk, butter, and the 2 Tbsp. sugar to a simmer. Remove from the heat and let cool to lukewarm (110 F/43 C). In a small cup, stir together the yeast and warm water and let stand until foamy, about 5 minutes.

Pour the yeast and milk mixtures into a large bowl. Lightly whisk in the eggs. Using a stand mixer with the paddle attachment, mix in 3 ½ cups (17 ½ oz./545 g) of the flours on low speed. Switch to the dough hook and beat in the remaining ¼ cup (1 ½ oz./45 g) flour on low speed. On medium-high speed beat the dough until smooth and springy, about 5 minutes. Turn out onto a lightly floured work surface and knead briefly until no longer sticky. Transfer to a large buttered bowl, turn to coat, cover, and let rise until doubled in bulk, about 1-½ hours.

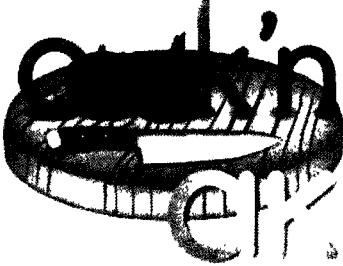
Punch down the dough. On a lightly floured work surface, roll it out ½ inch (12 mm) thick. Using a 3-inch (7.5-cm) round biscuit cutter cut out rounds. Put a generous tsp. of jelly on half of the rounds. Top with the remaining rounds and pinch the edges, stretching and sealing them. Using the cutter, recut the rounds to seal the edges. Gather the scraps and make more doughnuts the same way. Cover with a clean kitchen towel and let stand until puffy, about 20 minutes.



sponsored by





allen & petersen
cooking & appliance center
www.aphome.com



Always wanted to know how to filet a salmon? cook'n ak has the answers. Thinking about a romantic dinner? cook'n ak has the recipe. cook'n ak is a new thirty-minute show locally-produced by Allen and Petersen Cooking & Appliance Center, hosted by Chef Patrick Hoogerhyde of Bridge Seafood and Chef Amanda Cash of the Viking Cooking School. Tips, recipes, hints and cooking tidbits for home chefs. Join us on Saturdays at 3:30pm on KTVA CBS 11.

cook'n ak
is shot on location at the
Viking Cooking School

allen & petersen
cooking & appliance center
www.aphome.com